

1815.406 Preparing requests for proposals (RFP's) and requests for quotations (RFQ's).

(a) Requests for proposals (RFP's), including amendments to them, shall be prepared by the contracting office, with assistance from technical or other offices as required, and be issued by the contracting officer or an authorized representative. The RFP has a twofold purpose:

(1) To convey to prospective offerors the information they need to prepare a proposal properly, and

(2) To solicit the information that procurement and technical personnel need to appraise proposals.

(b) When advisable, particularly in the case of research and development, proposals shall be requested in two parts:

(1) An unpriced technical proposal, and

(2) A cost proposal cross-referenced to the technical proposal (see 1815.406-70).

(c) Technical and contracting personnel will mutually agree on page limitations for their respective portions of an RFP. Unless approved in writing by the Procurement Officer, the page limitation for the contracting portion of an RFP (all sections except section C, Description/specifications/work statement) shall not exceed 150 pages, and the page limitation for the technical portion (Section C) shall not exceed 200 pages. Attachments to the RFP count as part of the section to which they relate. In determining page counts, a page is defined as one side of a sheet, 8½" x 11", with at least one inch margins on all sides, using not smaller than 12 characters per inch or equivalent type. Foldouts count as an equivalent number of 8½" x 11" pages. The metric standard format most closely approximating the described standard 8½" x 11" size may also be used.

(d) Page limitations shall also be established for proposals submitted in competitive procurements. Accordingly, technical and contracting personnel will mutually agree on page limitations for each portion of the proposal. Unless a different limitation is approved in writing by the Procurement Officer, the total initial proposal, excluding title pages, tables of content,

and cost/price information, shall not exceed 500 pages using the page definition of 1815.406(c). Firm page limitations shall also be established for Best and Final Offers (BAFOs), if requested. The appropriate BAFO page limitations should be determined by considering the complexity of the procurement and the extent of any written or oral discussions. The same BAFO page limitations shall apply to all offerors. Pages submitted in excess of the specified limitations for the initial proposal and BAFO will not be evaluated by the Government and will be returned to the offeror.

[54 FR 28239, July 5, 1989, as amended at 58 FR 61630, Nov. 22, 1993; 59 FR 11199, Mar. 10, 1994; 60 FR 40513, Aug. 9, 1995]

1815.406-2 Part I—The Schedule.

Section C, Description/specifications/work statement. (a) In source evaluation board procurements, when detailed program or project support plans will be required as part of the offeror's proposal, but will not be important discriminators in the evaluation process and cover only technical or management support to the primary product or service being offered, describe the requirements for those plans in separate appendices to the statement of work (see 1815.406-70(a)(7)).

(b) In solicitations for cost-reimbursement support services contracts requiring price quotations, include available data regarding the quantity and quality of supplies and services required, set forth in terms of work hours of identifiable categories of labor, including experience and related qualifications, and in terms of quantities of supplies, all exclusive of costs (see 1815.406-70(b)(8)).

1815.406-4 Part III—List of documents, exhibits, and other attachments.

Section J, List of attachments. List here all of the documents, exhibits, and other attachments making up the solicitation package; give form number, name, date, and number of pages for each document; give type and identifier (for example, "Exhibit A"), name, and number of pages for each exhibit, appendix, or other attachment (for example: work frequency schedules, work

breakdown structures, work statements, specifications, special requirements, or other documents too lengthy to be conveniently written into the solicitation proper).

1815.406-5 Part IV—Representations and instructions.

(a) *Section K, Representations, certifications, and other statements of offerors or quoters.* See 1845.104(b).

(b) *Section L, Instructions, conditions, and notices to offerors or quoters.* (1) Indicate the method and format of price quotation desired (fixed-price or cost-reimbursement, if known at the time), including a reference to the necessity for cost or price breakdown.

(2) Describe the information required to support proposed prices; e.g., sub-contract structure, purchasing system, royalty, and cost or price information (see FAR subparts 15.7 and 15.8, and FAR part 44).

(3) Include instructions for disposing of drawings and specifications supplied with the solicitation.

(4) Include a statement of information required to facilitate evaluation of technical and financial capabilities and a statement covering special technical capabilities any contractors must possess.

(5) Include an instruction reflecting desirability of a separation between the offeror's business management proposal and technical proposal. For evaluation purposes, separate proposals, if time permits, should be received; therefore the format should be flexible enough to permit separate requirements (see 1815.406-70).

(6) State that the solicitation does not commit the Government to pay any cost incurred in submitting the offer or in making necessary studies or designs for its preparation, nor to contract for services or supplies.

(7) Include a statement that "Proposals must set forth full, accurate, and complete information as required by the solicitation (including attachments). The penalty for making false statements in proposals is prescribed in 18 U.S.C. 1001."

(8) See 1846.470.

[54 FR 28239, July 5, 1989, as amended at 59 FR 12197, Mar. 16, 1994; 60 FR 40513, Aug. 9, 1995]

1815.406-70 Instructions for technical proposal and business management proposal submission.

When it is contemplated that the contract will exceed \$1,000,000 (or, if appropriate, lesser amounts), the solicitation should require submission of the information in paragraphs (a) and (b) of this section, if applicable, in addition to any other information specified elsewhere in this section 1815.406.

(a) *Technical proposal.* Proposals should include the following:

(1) The method by which the offeror proposes to solve the technical problems of the project, other than information to be furnished elsewhere as a part of program or project support plan summaries (see paragraph (a)(7) of this section).

(2) Any specific exceptions to proposed technical requirements.

(3) A statement of background experience in fields relating to the procurement.

(4) Names and résumés of experience of key technical personnel who will be employed on the project and the extent to which each will participate, together with an organization chart of the segment of the offeror's organization that will be directly assigned to the project, listing names and job categories.

(5) Description and location of the company-owned research, test, and production equipment and facilities available for use on the project, accompanied by a separate list of any additional facilities or equipment required in the performance of the work, and a separate list of existing Government facilities available to the contractor and required for use on the project.

(6) Hourly time estimates (without pricing information) by labor class for each phase or segment of the project, the extent to which these estimates are based on the use of employees presently on the offeror's payrolls who will be available for the work as required, and an indication of the number and types of personnel necessary to be hired and arrangements made to obtain them.

(7) For procurements described in 1815.406-2(a)—

(i) As part of the original proposal, estimates of the cost and work force to

perform major tasks under each requirement separately identified, and a summary of the major task elements to perform each requirement; and

(ii) A statement by each offeror that it is understood that, if selected for negotiations, the offeror will ultimately be required to furnish a detailed program or project support plan that will be negotiated into the contract prior to award.

(b) *Business management proposal.* Proposals should include the following:

(1) The organization proposed for carrying out the project, including organization charts showing the interrelationship of business, technical, and subcontract management and an indication of all levels of operation and management, from lower levels through intermediate management to top-level management.

(2) A summary of the experience of all key personnel who will conduct the managerial affairs of the project.

(3) Contractual procedures proposed for the project to effect administrative and engineering changes, describing any differences from existing procedures.

(4) The extent to which the offeror has invested corporate funds in research and development work in the project area or directly related areas and plans for future expenditures for such work; and the extent, if any, to which the offeror is willing to participate in the cost of the project.

(5) A statement as to—(i) The capacity at which company-owned research, test, and production equipment and facilities required to perform the work are currently working;

(ii) The extent to which they could handle the additional workload imposed by this project;

(iii) The cost of any additional facilities (as defined at (FAR) 48 CFR 45.301) required to perform the work and how the costs are to be charged, with information as to whether the facilities will be contractor-furnished or Government-furnished and, if contractor-furnished, the alternatives considered (e.g., short-term lease, long-term lease with option to transfer the lease to a third party, purchase), including the long and short term benefits of each alternative, a description of any unique

requirements or arrangements involved with each alternative, as well as the reasons for the alternative selected, a copy of the proposed lease or purchase agreement, identification of all costs included in the lease and ownership alternatives considered; and

(iv) The value of existing Government facilities available to the offeror and required for use on the project, showing the Government agencies and facilities contracts involved.

(6) A statement of past performance and experience, including—(i) A list of Government contracts in excess of \$1,000,000 received in the past three years or currently in negotiation involving mainly research and development work, showing each contract number, the Government agency placing the contract, the type of contract, and a brief description of the work;

(ii) For each cost-reimbursement contract listed pursuant to paragraph (b)(6)(i) of this section, a list of amounts of cost overruns or underruns, reasons for them, and percentage of fixed fee;

(iii) For each contract listed pursuant to paragraph (b)(6)(i) of this section, a record of contract completion as against completion date anticipated at the time of entering into the contract, with explanations for completion delays; and

(iv) An identification and explanation of any terminations for default or convenience.

(7) A balance sheet for the offeror's last fiscal year, accompanied by a profit and loss statement.

(8) A detailed cost or price proposal, furnished as a separate, detachable element of the business management proposal and based on the effort described or estimated in the solicitation. This cost or price proposal is a requirement for the proposal to be responsive. If the offeror believes the work can be accomplished more efficiently with organizational plans, staffing, management, or equipment differing from those indicated in the solicitation, it may also submit an alternative proposal supported by a detailed cost or price proposal (see 1815.406-2, section C, (b)); this

alternative proposal must be in addition to, not in lieu of, the basic proposal.

[54 FR 28239, July 5, 1989, as amended at 59 FR 46359, Sept. 8, 1994]

1815.406-71 Solicitation cover page.

The contracting officer may include a cover page on solicitations if it conforms to the following policies:

(a) The cover should not unnecessarily repeat or paraphrase any part of the solicitation; rather, it should only describe subject material, except as otherwise provided in this section.

(b) The cover may draw the offeror's attention to specific limitations on who may submit offers, such as the Small Business Set-Aside provision.

(c) The cover may include a general reminder that representations and certifications must be carefully read and completed, but should not include specific listings of individual provisions from Section K, Representations and Certifications.

(d) The cover may include specific listings of clauses that are not located in Section K, but which contain boxes or fill-ins that must be completed as part of the offer.

(e) The cover must contain a statement that in the event of a conflict between the cover and the solicitation, the solicitation takes precedence.

(f) The cover may include a very brief description or "executive summary" of the requirement. This summary should be no longer than the CBD synopsis, and preferably shorter; if the project title makes clear what is being procured, that should be sufficient. Generally, only major procurements should utilize a summary.

[59 FR 21667, Apr. 26, 1994]

1815.407 Solicitation provisions.

(a) The provision at FAR 52.215-10, Late Submissions, Modifications, and Withdrawals of Proposals, prescribed in FAR 15.407(c), shall not be used in solicitations for the Small Business Innovation Research (SBIR) program or for broad agency announcements listed in 1835.016. See instead 1815.407-70(b).

(b) The provision at FAR 52.215-12, Restriction on Disclosure and Use of Data, prescribed in FAR 15.407(c), shall

not be used in NASA solicitations. See instead 1815.407-70(a).

1815.407-70 NASA solicitation provisions.

(a) The contracting officer shall insert in RFP's and RFQ's (but not in solicitations for information or planning purposes) the provision at 1852.215-72, Restriction on Use and Disclosure of Proposal/Quotation Information (Data). (See also 1815.509-70(a)).

(b) In accordance with 1815.412, the contracting officer shall use the provision at 1852.215-73, Late Submissions, Modifications, and Withdrawals of Proposals (AO and SBIR Programs), in lieu of the provision at FAR 52.215-10 in Announcements of Opportunity issued pursuant to subpart 1870.1 and in Small Business Innovation Research (SBIR) solicitations. This provision allows the project office to accept late proposals or proposal modifications and late best and final offers if, in the selection official's judgment, to do so is in the Government's best interest.

(c) The contracting officer may insert a provision substantially as stated at 1852.215-74, Alternate Proposals, in competitive requests for proposals if receipt of alternate proposals would benefit the Government. See FAR 52.215-13(d).

(d) In accordance with 1815.406-5(b)(7), the contracting officer shall insert the provision at 1852.215-75, Expenses Related to Offeror Submissions, in all requests for proposals.

(e) In accordance with 1815.406-5(b)(8), the contracting officer shall insert the provision at 1852.215-76, False Statements, in all requests for proposals to advise offerors of the penalty for making false statements in proposals.

(f) The contracting officer shall insert the provision at 1852.215-77, Preproposal/Pre-bid Conference, in competitive requests for proposals and invitations for bids where the Government intends to conduct a preproposal or pre-bid conference. Insert the appropriate specific information relating to the conference. Supplemental information, such as an agenda summary and whether a tour is included, may be identified in "Other Information."

(g) The contracting officer shall insert the provision at 1852.215-80, Disposal of Unsuccessful Proposals, in competitive requests for proposals.

(h) For grouping items in the solicitation in contemplation of an aggregate award, see 1814.201-670(b).

(i) For requiring full quantities to be proposed, see 1814.201-670(c).

(j) The contracting officer shall insert the provision at 1852.215-81, Proposal Page Limitations, in all competitive requests for proposals.

(k) The contracting officer shall insert the provision at 1852.215-82, Offeror Oral Presentations, in competitive requests for proposals when the Government intends to allow offerors to make oral presentations prior to commencement of the Government's formal evaluation.

[54 FR 28239, July 5, 1989, as amended at 58 FR 61631, Nov. 22, 1993]

1815.412 Late proposals, modifications, and withdrawals of proposals.

For broad agency announcements listed in 1835.016 and SBIR Phase I and Phase II solicitations—

(a) Proposals, or modifications to them, received from qualified firms after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received. In such cases, the project office shall investigate the circumstances surrounding the submission of the late proposal or modification, evaluate its content, and submit written recommendations and findings to the selection official or a designee as to whether there is an advantage to the Government in considering the proposal.

(b) The selection official or a designee shall determine whether to consider the proposal.

(c) Offerors may withdraw proposals any time before award, provided the conditions in paragraph (b) of the provision at 1852.215-73, Late Submissions, Modifications, and Withdrawals of Proposals (AO and SBIR Programs), are satisfied.

[54 FR 28239, July 5, 1989, as amended at 60 FR 40514, Aug. 9, 1995; 60 FR 47712, Sept. 14, 1995]

1815.413 Disclosure and use of information before award.

(a) The alternate procedures at FAR 15.413-2 shall be used for NASA procurements in lieu of those prescribed at FAR 15.413-1. The policies and procedures of FAR 15.413 and NFS 1815.413-2 shall apply both before and after award. The notice at FAR 15.413-2(e) shall be placed on the cover sheet of all proposals, whether solicited or unsolicited. (See 1805.303-70(a)(1)(iii) regarding release of the names of firms submitting offers.)

(b) During evaluation proceedings, whether or not a source evaluation board is used, NASA personnel participating in any way in the evaluation may not reveal any information concerning the evaluation to anyone not also participating, and then only to the extent that the information is required in connection with the evaluation. When non-NASA personnel participate, they shall be instructed to observe these restrictions. (Information shall be provided to unsuccessful offerors in accordance with FAR 15.1004 and 1815.1004. See also 1815.413-2.)

[54 FR 28239, July 5, 1989, as amended at 60 FR 47712, Sept. 14, 1995]

1815.413-2 Alternate II.

(a) *General.* This section prescribes the policy and procedures pertaining to the use of individuals from outside the Government as evaluators of proposals. The references in FAR 15.413-2 to the provision at FAR 52.215-12 shall be considered to be references to the provision at 48 CFR 1852.215-72.

(b) *Policy.* It is NASA policy to have proposals evaluated by the most competent technical and management sources available. Qualified proposal evaluators will normally be available from within the Government. However, from time-to-time it may be necessary to make a determination of non-availability of qualified Government evaluators as required by 48 CFR 1837.204 and to disclose proposal information to non-Government evaluators.

(c) *Approval to release proposal outside the Government.* (1) Regarding proposals and proposal information resulting from Requests For Proposals, after the determination of non-availability is